

UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 02-090-B)

3.2.2

Bakthavatchalam, et al.

Serial No.

09/910,442

July 20, 2001

Title:

Filed:

Capsaicin Receptor Ligands

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Examiner:

Group Art Unit:

Habte, Kahsay

RECEIVED

UCT 17 2003

TECH CENTER 1600/2900

TRANSMITTAL LETTER

In regard to the above identified application:

- 1. We are transmitting herewith the attached:
 - a. Letter;
 - Response to Office Action Mailed March 4, 2003;
 - c. Request for Extension of Time;
 - d. Information Disclosure Statement Under 37 C.F.R. §1.97(b);
 - e. PTO Form 1449;
 - f. 36 Cited References; and
 - g. Return Receipt Postcard.
- 2. With respect to additional fees:
 - No Fee Required.
- 3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.
- 4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of October, 2003.

Respectfully

Steven J. Saras

Reg. No. 3

McDONNELL BOEHNEN, HULBERT & BERGHOFF 300 SOUTH WACKER DRIVE CHICAGO, ILLINOIS 60606 TELEPHONE (312) 913-0001

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Case No. 02-090-B

| | In re Application of: |) | RECEIVED |
|---|---------------------------------|--------------------------------------|-----------------------|
| • | Bakthavatchalam et al. |) Before the Examiner: Kahsay Habte | OCT 17 2003 |
| | Serial No.: 09/910,442 |) | TECH CENTER 1600/2900 |
| ì | Filed: July 20, 2001 |) Art Unit: 1624 | |
| 1 | For: Capsaicin Receptor Ligands | ,) | |

LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

On October 7, 2003, the Examiner telephoned the undersigned and stated that no Response had been received by the Patent Office to the Office Action mailed on March 4, 2003.

The Applicants respectfully submit that a proper and timely response to the Office Action Mailed March 4, 2003 was filed on July 2, 2003, with the appropriate request for extension of time and all of the required fees (authorization to charge a deposit account was also granted). Photocopies of all of the documents submitted on July 2003, in response to the Office Action mailed March 4, 2003 are attached hereto as Exhibit A. These include:

1. Transmittal Letter in Duplicate;

2. Response to Office Action Mailed March 4, 2003;

3. Request for Extension of Time;

4. Information Disclosure Statement Under 37 C.F.R. §1.97(b);

5. PTO Form 1449;

6. 36 Cited References; and

7. Return Receipt Postcard.

It appears that the documents included in Exhibit A were received by the Patent Office but were apparently mishandled after receipt. A copy of the PTO-stamped return receipt postcard

indicating receipt of all the items listed above is attached hereto as Exhibit B.

In view of the fact that all identifying information appeared correctly on the filing papers,

which constituted a complete Response to the Office Action Mailed March 4, 2003, the

applicants respectfully submit that the Response to the Office Action Mailed March 4, 2003, was

timely and properly filed. Accordingly, it is requested that this application be maintained as

pending without petition or fee.

If there are any questions or comments regarding this paper or application, the Patent

Office is encouraged to contact the undersigned attorney as indicated below.

Date: October 9, 2003

Steven J. Sarussi Registration No. 32,784

McDonnell Boehnen Hulbert & Berghoff

300 South Wacker Drive

Chicago, IL 60606

Telephone: 312-913-0001

Facsimile: 312-913-0002